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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,439	09/26/2003	Rami Caspi	2003P08209US	8507

7590 09/23/2004

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,439

Applicant(s)

CASPI ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/24/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "device is determined to be out of a predetermined range" as well as "device is outside a predetermined range" and "device to be in a predetermined range" are indefinite since it is unclear what the range is referring to, i.e. a range of physical values or a physical distance or something else, and how the "device" can be outside in a physical sense of a value or concept. With respect to the language "programming said wireless device to be in a predetermined range" when the predetermined range is associated with a "time of day" or "date" is not understood. For example, as best understood if the range of time of day is say between the hours of 6:00AM and 10:00 AM, what is the meaning of programming the wireless device to be in the range of 6:00AM to 10:00 AM?

In claim 5, the language "includes a geographic, date and time of date ranges" is grammatically incorrect.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4 and 6-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliot.

Elliot discloses an anytime/anywhere location system incorporating a device (12) that comprises a GPS receiver for determining position, a wireless communications device for communicating the position to an administration device (20) via conventional cellular base stations (16) when a predetermined time range is exceeded.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Teckchandani et al.

Teckchandani et al disclose a mobile asset security and monitoring system wherein a mobile asset includes means for determining position, means for detecting a violation of a predefined condition, means for generating a status signal and means for wirelessly communicating the status signal to a user for monitoring the location of the asset. The position determining means is a GPS receiver. The permitted locations/geofences are specified and may be edited by the user. Notifications may be provided via paging, phone calls, text messages, email, etc. The wireless communications uses existing cellular infrastructure.

6. Claims 1-4, 7-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman.

7. Hoffman discloses a personal security and tracking system, method and apparatus including a positioning controller (100) for determining position information from GPS satellites, a microcontroller (106) adapted to receive the position information and cause it to be transmitted via a cellular telephone/PCS (108/110) to an associated administration device (80) when a portable signaling device (20) is determined to be outside of a predetermined range from remote alarm switch (40).

8. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Janky et al.

9. Janky et al disclose a vehicle route and schedule exception reporting system and method wherein the device is mounted on an object and position and time information is compared with predetermined position and schedule information such that when the position and/or schedule

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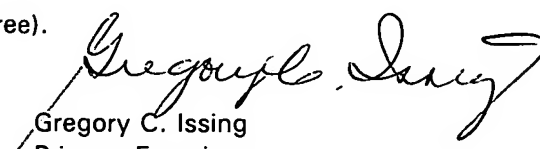
exceeds a threshold value, the device communicates the position to a central administration unit for monitoring thereof.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alesio discloses a position monitoring system, method, and receiver wherein an object incorporates GPS for determining positioning information, a microprocessor adapted to receive the positioning information and range information so as to cause the wireless transmitter to transmit the positioning information to an administration device when the range between a first position and a current position exceeds a permanently-set or operated-set range limit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci